

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. 4:21-cr-00009
	§	
ROBERT T. BROCKMAN	§	UNOPPOSED

**UNOPPOSED MOTION TO MODIFY
COMPETENCY HEARING SCHEDULING ORDER**

On February 1, 2021, the Court found that there is reasonable cause to believe that Mr. Brockman may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequence of the proceedings against him or to assist properly in his defense, and scheduled a competency hearing for June 29, 2021, pursuant to 18 U.S.C. § 4241(b). Dkt. No. 36 (“February 1 Order”).

In the February 1 Order, the Court set deadlines of April 16 for Mr. Brockman’s psychiatric and/or psychological evaluations by the Government’s experts; May 7 for written reports of the Government’s experts; and May 28 for any additional expert reports from either party. The parties subsequently agreed to a schedule for the Government’s varied examinations in order to meet the Court’s scheduled deadlines. The Government’s planned examinations include a positron emission tomography (“PET”) scan, a sleep study, a one-day examination by one government expert, and three consecutive days of

examinations by the government's other two experts. *See* Ex. A, Declaration of Kathryn Keneally, March 29, 2021 ("Keneally Decl.") at ¶3.

On the evening of Sunday, March 14, 2021, after Mr. Brockman submitted to the PET scan, but before the other studies and tests agreed upon by the parties could be completed, Mr. Brockman was brought to the emergency room at Houston Methodist Hospital. *Id.* ¶4. He was admitted to the Neurosensory Center in the following days, and then remained in the hospital until Friday, March 19. *Id.* *Id.* ¶5. A summary of Mr. Brockman's diagnosis and condition is set out in the following paragraph, which Movant respectfully requests be redacted in the public filing of this motion, in accordance with Southern District of Texas General Order No. 2004-11, due to the inclusion of sensitive medical information.

[REDACTED]

[REDACTED]

Accordingly, Mr. Brockman respectfully requests a 45-day extension of the April 16, 2021 deadline by which Mr. Brockman's examinations by the government's experts are to be completed, and concomitant adjustments to the remainder of the deadlines in the current competency hearing schedule, to allow time for Mr. Brockman to fully recover from this recent medical event before undergoing the Government's psychiatric and psychological evaluations.

CONCLUSION

For the foregoing reasons, this Court should extend all deadlines in the February 1 Order as set out in the Proposed Order submitted with this motion.

Dated: March 31, 2021

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CERTIFICATE OF CONFERENCE

I certify that on this 31st day of March, 2021, I conferred with counsel for the United States, Mr. Corey Smith, who confirmed that the United States is unopposed to this Motion.

/s/ Jason S. Varnado

Jason S. Varnado

CERTIFICATE OF SERVICE

I certify that on this 31st day of March, 2021, this document was served by electronic filing service on all counsel of record.

/s/ Jason S. Varnado

Jason S. Varnado